

SA 2167. Mr. WARNOCK (for himself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2637, line 15, strike “\$47,272,000,000” and insert “\$51,772,000,000”.

On page 2637, line 18, strike “\$9,454,400,000” and insert “\$10,354,400,000”.

On page 2637, line 20, strike “\$9,454,400,000” and insert “\$10,354,400,000”.

On page 2637, line 22, strike “\$9,454,400,000” and insert “\$10,354,400,000”.

On page 2637, line 24, strike “\$9,454,400,000” and insert “\$10,354,400,000”.

On page 2638, line 1, strike “\$9,454,400,000” and insert “\$10,354,400,000”.

On page 2658, line 14, strike “\$500,000,000” and insert “\$5,000,000,000”.

On page 2658, line 20, strike “\$100,000,000” and insert “\$1,000,000,000”.

On page 2658, line 22, strike “\$400,000,000” and insert “\$4,000,000,000”.

On page 2659, line 2, strike “\$15,000,000” and insert “\$150,000,000”.

SA 2168. Mr. WARNOCK submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division F, insert the following:

SEC. 60. ACCESS TO DEVICES.

(a) **SHORT TITLE.**—This section may be cited as the “Device Access for Every American Act”.

(b) **FINDINGS.**—Congress finds that—

(1) approximately 25 percent of adults in the United States do not own a computer;

(2) 4,400,000 households with students still lack consistent access to a computer, which prevents those students from completing schoolwork;

(3) there are no reliable estimates about the number of students forced to share a computer with another member of their household, potentially forcing the household to choose between important online activities such as work and learning;

(4) for those households without a computer or tablet, most cannot afford one; and

(5) while computer access is nearly ubiquitous among high-income households, 40 percent of low-income adults lack a computer.

(c) **DEFINITIONS.**—In this section:

(1) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.

(2) **CONNECTED DEVICE.**—The term “connected device” means any of the following:

(A) A desktop computer.

(B) A laptop computer.

(C) A tablet computer.

(D) Any similar device (except for a telephone or smartphone) that the Commission

determines should be eligible for the use of a voucher under the program.

(3) **ELIGIBLE EXPENSES.**—The term “eligible expenses” means, with respect to a connected device—

(A) the retail price of the connected device;

(B) any sales taxes collected by the retailer with respect to the sale of the connected device;

(C) any shipping charges assessed by the retailer with respect to the connected device; and

(D) any reasonable (as defined by the Commission) product warranty and technical support services.

(4) **ELIGIBLE INDIVIDUAL.**—The term “eligible individual” means an individual who is a member of an eligible household, as defined in section 904(a)(6) of division N of the Consolidated Appropriations Act, 2021 (Public Law 116-260), except that—

(A) in determining under subparagraph (A) of such section 904(a)(6) for purposes of this paragraph whether at least 1 member of the household meets the qualifications in subsection (a) or (b) of section 54.409 of title 47, Code of Federal Regulations, or any successor regulation, paragraph (1) of such subsection (a) shall be applied by striking “135 percent” and inserting “150 percent”; and

(B) subparagraphs (C) and (E) of such section 904(a)(6) shall not apply for purposes of this paragraph.

(5) **PROGRAM.**—The term “Program” means the program established under subsection (d).

(d) **CONNECTED DEVICE VOUCHER PROGRAM.**—

(1) **ESTABLISHMENT; REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Commission shall establish, and promulgate regulations to implement in accordance with this section, a program through which—

(A) an eligible individual may obtain a voucher that can be applied toward the purchase of a connected device from a retailer; and

(B) the Commission reimburses the retailer in an amount equal to the lesser of—

(i) the amount of the voucher; or

(ii) the eligible expenses with respect to the connected device.

(2) **AMOUNT OF VOUCHER.**—

(A) **IN GENERAL.**—The amount of a voucher under the Program shall be \$400, as such amount may be adjusted by the Commission under subparagraph (B).

(B) **REEVALUATION; ADJUSTMENT.**—Not later than 3 years after the date on which the Commission promulgates regulations under paragraph (1), and every 3 years thereafter, the Commission shall—

(i) reevaluate the amount of the voucher; and

(ii) after conducting such reevaluation, if necessary to ensure that the voucher reflects the average amount of eligible expenses with respect to a connected device, adjust the amount of the voucher.

(C) **PRICE OF CONNECTED DEVICE EXCEEDING AMOUNT OF VOUCHER.**—If the eligible expenses with respect to a connected device exceed the amount of the voucher, an eligible individual may—

(i) apply the voucher to such expenses; and

(ii) pay the remainder of such expenses to the retailer from other funds available to the individual.

(3) **NUMBER AND FREQUENCY OF VOUCHERS.**—An eligible individual may obtain 1 voucher under the Program every 4 years, except that not more than 2 eligible individuals per household may obtain a voucher under the Program every 4 years.

(4) **MINIMUM STANDARDS FOR CONNECTED DEVICES.**—

(A) **IN GENERAL.**—A voucher under the Program may not be applied toward the purchase of a connected device unless the connected device meets minimum standards to ensure that connected devices meet the needs of the average user, which the Commission shall establish in the regulations promulgated under paragraph (1).

(B) **REEVALUATION; REVISION.**—Not later than 3 years after the date on which the Commission promulgates regulations under paragraph (1), and every 3 years thereafter, the Commission shall—

(i) reevaluate the minimum standards established under subparagraph (A); and

(ii) after conducting such reevaluation, if necessary to ensure that connected devices continue to meet the needs of the average user, revise such minimum standards.

(C) **STANDARDS FOR NEW AND REFURBISHED DEVICES.**—The Commission may establish separate minimum standards under subparagraph (A) for new connected devices and for refurbished connected devices.

(5) **COLLABORATION WITH RETAILERS.**—

(A) **IN GENERAL.**—The Commission shall collaborate with retailers to ensure the wide acceptance of vouchers and the wide availability of covered devices that will be free of charge to consumers after applying a voucher.

(B) **WEBSITE.**—The Commission shall establish a website, which shall—

(i) link to offerings by retailers of connected devices eligible for the use of a voucher under the Program so that a consumer may initiate the purchase of such a device using the voucher through the website; and

(ii) if the number of vouchers available over a particular time period is limited, indicate the number of vouchers remaining.

(C) **CATALOG.**—The Commission shall establish a catalog, which shall—

(i) be accessible to consumers without internet access and include offerings by retailers of connected devices eligible for the use of a voucher under the Program; and

(ii) if the number of vouchers available over a particular time period is limited, indicate the number of vouchers remaining.

(6) **ADVERTISEMENT OF PROGRAM.**—The Commission shall advertise the availability of the Program, including by carrying out advertising campaigns in collaboration with retailers of connected devices.

(7) **TECHNICAL ASSISTANCE.**—The Commission shall provide technical assistance to retailers, eligible individuals, and community-based organizations regarding participation in the Program.

(8) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Commission for fiscal year 2022, to remain available until September 30, 2026, \$2,000,000,000 to carry out this section, of which not more than 3 percent may be used to administer and promote the Program.

(e) **ENFORCEMENT.**—

(1) **VIOLATIONS.**—A violation of this section or a regulation promulgated under this section shall be treated as a violation of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or a regulation promulgated under such Act.

(2) **ENFORCEMENT MANNER.**—The Commission shall enforce this section and the regulations promulgated under this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Communications Act of 1934 (47 U.S.C. 151 et seq.) were incorporated into and made a part of this section.

(3) **USE OF UNIVERSAL SERVICE ADMINISTRATIVE COMPANY PERMITTED.**—The Commission shall have the authority to avail itself of the services of the Universal Service Administrative Company to implement the Program,

including developing and processing reimbursements and distributing funds.

(f) **PAPERWORK REDUCTION ACT REQUIREMENTS.**—A collection of information conducted or sponsored under the regulations required under subsection (d) shall not constitute a collection of information for the purposes of subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(g) **PRIVACY ACT.**—The requirement to publish notices related to system of records notices or computer matching agreements of the agency before implementation required under paragraphs (4), (11), and (12) of section 552a(e) and to provide adequate advanced notice under section 552a(r) of title 5, United States Code (commonly known as the “Privacy Act of 1974”) shall not apply when the matching program is necessary to determine eligibility under the Program, except that the notices shall be—

(1) sent to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, and the Office of Management and Budget; and

(2) simultaneously submitted for publication in the Federal Register.

SA 2169. Mr. REED submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION K—BUILD AMERICA'S LIBRARIES ACT

SEC. 100001. SHORT TITLE.

This division may be cited as the “Build America's Libraries Act”.

SEC. 100002. PURPOSE.

The purpose of this division is to support long-term improvements to library facilities (including addressing needs that have arisen due to COVID-19) in order for libraries to better serve underserved and distressed communities, low-income and rural areas, and people with disabilities and vulnerable library users including children and seniors.

SEC. 100003. DEFINITIONS.

In this division:

(1) **DIRECTOR.**—The term “Director” has the meaning given the term in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(2) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given the term “Indian tribe” in section 202 of the Museum and Library Services Act (20 U.S.C. 9101).

(3) **LIBRARY.**—The term “library” has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(4) **STATE.**—The term “State” has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

(5) **STATE LIBRARY ADMINISTRATIVE AGENCY.**—The term “State library administrative agency” has the meaning given the term in section 213 of the Library Services and Technology Act (20 U.S.C. 9122).

SEC. 100004. BUILD AMERICA'S LIBRARIES FUND.

(a) **ESTABLISHMENT.**—From the amount appropriated under section 100009, there is established a Build America's Libraries Fund

for the purpose of supporting long-term improvements to library facilities in accordance with this division.

(b) **RESERVATIONS.**—From the amount available in the Build America's Libraries Fund, the Director shall reserve 3 percent to award grants to Indian Tribes and to organizations that primarily serve and represent Native Hawaiians, in the same manner as the Director makes grants under section 261 of the Library Services and Technology Act (20 U.S.C. 9161) to enable such Indian Tribes and organizations to carry out the activities described in paragraphs (1) through (9) of section 100005(c).

SEC. 100005. ALLOCATION TO STATES.

(a) **ALLOCATION TO STATES.**—

(1) **STATE-BY-STATE ALLOCATION.**—

(A) **IN GENERAL.**—From the amount available in the Build America's Libraries Fund and not reserved under section 100004(b), each State that has a plan approved by the Director under subsection (b) shall be allocated an amount in the same manner as the Director makes allotments to States under section 221(b) of the Library Services and Technology Act (20 U.S.C. 9131(b)), except that, for purposes of this section, the minimum allotment for each State shall be \$10,000,000, except that the minimum allotment shall be \$500,000 in the case of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(B) **REALLOCATION OF REMAINING FUNDS.**—

(i) **IN GENERAL.**—From the remainder of any amounts not reserved or allocated under subparagraph (A), on the date that is 1 year after the date of enactment of this division, the Director shall allocate to each State that has a plan approved by the Director under subsection (b), an amount that bears the same relation to such remainder as the population of the State bears to the population of all States.

(ii) **DATA.**—For the purposes of clause (i), the population of each State and of all the States shall be determined by the Director on the basis of the most recent data available from the Bureau of the Census.

(2) **STATE RESERVATIONS.**—A State shall reserve not more than 4 percent of its allocation under paragraph (1) for administrative costs and to provide technical assistance to libraries that are eligible to apply for a grant under section 100006.

(b) **STATE PLAN.**—

(1) **IN GENERAL.**—To be eligible to receive an allocation under this section, a State library administrative agency shall submit to the Director a plan that includes such information as the Director may require, including at a minimum—

(A) a description of how the State will use the allocation to make long-term improvements to library facilities with a focus on underserved and marginalized communities;

(B) a description regarding how the State will carry out its responsibility to provide technical assistance under subsection (a)(2), including providing, as appropriate, training and resources to help library staff maximize the use, functionality, and accessibility of library facilities improved under this section;

(C) a description regarding how the State will make the determinations of eligibility and priority under subsections (b) and (d) of section 100006;

(D) a certification that the State has met the maintenance of effort requirements under section 223(c) of the Library Services and Technology Act (20 U.S.C. 9133(c)); and

(E) an assurance that the State will meet the supplement not supplant requirement under section 100007(c).

(2) **APPROVAL.**—

(A) **IN GENERAL.**—The Director shall approve a State plan submitted under paragraph (1) that meets the requirements of paragraph (1) and provides satisfactory assurances that the provisions of such plan will be carried out.

(B) **PUBLIC AVAILABILITY.**—Each State library administrative agency receiving an allocation under this section shall make the State plan available to the public, including through electronic means.

(C) **ADMINISTRATION.**—If the Director determines that the State plan does not meet the requirements of this section, the Director shall—

(i) immediately notify the State library administrative agency of such determination and the reasons for such determination;

(ii) offer the State library administrative agency the opportunity to revise its State plan;

(iii) provide technical assistance in order to assist the State library administrative agency in meeting the requirements of this section; and

(iv) provide the State library administrative agency the opportunity for a hearing.

(c) **USES OF FUNDS.**—Each State receiving an allocation under this section shall use the funds for any 1 or more of the following:

(1) Constructing, renovating, modernizing, or retrofitting library facilities in the State, which may include—

(A) financing new library facilities;

(B) making capital improvements to existing library facilities, including buildings, facilities, grounds, and bookmobiles;

(C) enhancing library facilities to improve the overall safety and health of library patrons and staff, including improvements directly related to reducing the risk of community spread of COVID-19; and

(D) addressing the vulnerability of library facilities to natural disasters and hazards.

(2) Investing in infrastructure projects related to improving internet access and connectivity in library facilities and for library patrons, including projects related to high-speed broadband, technology hardware, and mobile hotspots and similar equipment.

(3) Improving energy and water efficiency and addressing the environmental impacts of library facilities.

(4) Improving indoor air quality and ventilation in library facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering and other air cleaning, fans, control systems, and window and door repair and replacement.

(5) Reducing or eliminating the presence in library facilities of potential hazards to library staff and patrons, including—

(A) toxic substances, including mercury, radon, PCBs, lead, and asbestos; or

(B) mold and mildew.

(6) Ensuring the safety of drinking water at the tap in library facilities, which may include testing of the potability of water at the tap for the presence of lead and other contaminants.

(7) Ensuring that library facilities are—

(A) accessible to people with disabilities, including by implementing universal and inclusive design; and

(B) in compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(8) Improving library facilities for the purposes of supporting place-based services or community-based partnerships that provide library patrons with access to educational, workforce, behavioral health, mental health, and social services.